

**DISTRICT OF COLUMBIA**  
**DOH Office of Adjudication and Hearings**  
825 North Capitol Street N.E., Suite 5100  
Washington D.C. 20002

DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH  
Petitioner,

v.

LIFE STRIDE, INC.  
and GWENDOLYN BARDWELL  
Respondents

Case No.: I-00-40927

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**FINAL ORDER**

**I. Introduction**

This case arises under the Civil Infractions Act of 1985 (D.C. Code §§ 6-2701 *et seq.* (1981 ed.)) and Title 22 Chapter 38 of the District of Columbia Municipal Regulations (“DCMR”). By Notice of Infraction (00-40927) served June 21, 2001, the Government charged Respondents Life Stride, Inc. and Gwendolyn Bardwell with alleged violations of 22 DCMR 3802.5 (failing to maintain a pest control program and to keep the premises free from insects and rodents); 22 DCMR 3802.10 (failing to screen windows during insect season); 22 DCMR 3802.11 (failing to fasten carpets or use non-skid pads); 22 DCMR 3804.1 (failing to provide adequate light); 22 DCMR 3807.7 (failing to provide adequate bedroom facilities); 22 DCMR 3815.1 (failing to maintain interior and exterior in safe, clean, orderly, attractive and sanitary manner); and 22 DCMR 3836.4 (failing to comply with staffing requirements). The Notice of Infraction alleged these violations occurred on May 23, 2001 at 1536 28<sup>th</sup> Street, SE, and sought

a fine of \$100 for the alleged violations of 22 DCMR 3802.5, 22 DCMR 3802.10, 22 DCMR 3802.11, 22 DCMR 3804.1 and 22 DCMR 3807.7; \$50 for the alleged violation of 22 DCMR 3815.1; and \$500 for the alleged violation of 22 DCMR 3836.4, for a total fine sought of \$1,050.

On July 12, 2001, this administrative court received Respondents' timely plea of Admit with Explanation pursuant to D.C. Code § 6-2712(a)(2) to all charges listed in the Notice of Infraction, along with a request for a suspension or reduction of any assessed fines. By order dated July 17, 2001, this administrative court permitted the Government to respond to Respondents' plea and request. The Government timely submitted its response, concluding that "the fines should not be eliminated, nor should they be significantly reduced." Accordingly, this matter is now ripe for adjudication.

## **II. Findings of Fact**

1. At all times relevant to this matter, Respondent Life Stride, Inc. ("Life Stride") operated a Mental Health Community Residence Facility located at 1536 28<sup>th</sup> Street, SE.<sup>1</sup> At all times relevant to this matter, Respondent Gwendolyn Bardwell served as Chief Executive Office of Life Stride.
2. By their plea of Admit with Explanation, Respondents admit they violated 22 DCMR 3802.5 on May 23, 2001. Respondents explain that they are attempting to

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<sup>1</sup> In general, a Mental Health Community Residence Facility ("MHCRF") under Title 22 Chapter 38 is defined as "a publicly or privately owned residence that houses individuals, eighteen (18) or older, with a principal diagnosis of mental illness and who require twenty-four hour (24 hr.) on site supervision, personal assistance, lodging, and meals and who are not in the custody of the District of Columbia Department of Corrections." 22 DCMR 3800.2.

improve their monitoring and control of pests. Based upon Respondents' explanation and the charging inspector's observation of this violation, the Government has recommended that there be no significant reduction in the authorized fine for this violation.

3. On May 23, 2001, Respondents failed to maintain their pest control program and keep their premises free from insects and rodents.
4. By their plea of Admit with Explanation, Respondents admit they violated 22 DCMR 3802.10 on May 23, 2001. Respondents explain that, due to renovations, all window screens were not in place. Based upon Respondents' explanation and the charging inspector's observation of this violation, the Government has recommended that there be no significant reduction in the authorized fine for this violation.
5. On May 23, 2001 Respondents failed to screen their windows during insect season.
6. By their plea of Admit with Explanation, Respondents admit they violated 22 DCMR 3802.11 on May 23, 2001. Respondents explain that, at the time of the inspection, a coffee table secured the rug in question and new carpet has been fastened to the floor. Based upon Respondents' explanation and the charging inspector's observation of this violation, the Government has recommended that there be no significant reduction in the authorized fine for this violation.
7. On May 23, 2001 Respondents failed to securely fasten carpets or use non-skid pads.

8. By their plea of Admit with Explanation, Respondents admit they violated 22 DCMR 3804.1 on May 23, 2001. Respondents explain that furniture and lamps that had been ordered as part of a renovation had not been received at the time of the inspection. Based upon Respondents' explanation and the charging inspector's observation of this violation, the Government has recommended that there be no significant reduction in the authorized fine for this violation.
9. On May 23, 2001, Respondents failed to provide adequate light for its residence.
10. By their plea of Admit with Explanation, Respondents admit they violated 22 DCMR 3807.7 on May 23, 2001. Respondents explain that they have changed utilization of the bedroom spaces at issue. Based upon Respondents' explanation and the charging inspector's observation of this violation, the Government has recommended that there be no significant reduction in the authorized fine for this violation.
11. On May 23, 2001, Respondents failed to provide adequate bedroom facilities for its residence.
12. By their plea of Admit with Explanation, Respondents admit they violated 22 DCMR 3815.1 on May 23, 2001. Respondents explain that renovations and other improvements for the room in question have now been completed. Based upon Respondents' explanation and the charging inspector's observation of this violation, the Government has recommended that there be no significant reduction in the authorized fine for this violation.
13. On May 23, 2001, Respondents failed to maintain the interior and exterior of their facility in a safe and sanitary manner.

14. By their plea of Admit with Explanation, Respondents admit they violated 22 DCMR 3836.4 on May 23, 2001. Respondents explain that, due to an emergency, there was a temporary staff shortage. Based upon Respondents' explanation and the charging inspector's observation of this violation, the Government has recommended that there be no significant reduction in the authorized fine for this violation.
15. Respondents have accepted responsibility for their unlawful conduct.
16. There is no evidence in the record of a history of non-compliance by Respondents.

### **III. Conclusions of Law**

1. Respondents violated 22 DCMR 3802.5 on May 23, 2001. A fine of \$100 is authorized for that violation. *See* 16 DCMR 3241.3(y). In light of Respondents' acceptance of responsibility for their unlawful conduct and the lack of evidence in the record of a history of non-compliance, the fine will be reduced to \$75. *See* D.C. Code §§ 6-2712(a)(2), 6-2703(b)(6) (1981 ed.); U.S.S.G. § 3E1.1; 18 U.S.C. § 3553.
2. Respondents violated 22 DCMR 3802.10 on May 23, 2001. A fine of \$100 is authorized for that violation. *See* 16 DCMR 3241.3(dd). In light of Respondents' acceptance of responsibility for their unlawful conduct and the lack of evidence in the record of a history of non-compliance, the fine will be reduced

to \$75. *See* D.C. Code §§ 6-2712(a)(2), 6-2703(b)(6) (1981 ed.); U.S.S.G. § 3E1.1; 18 U.S.C. § 3553.

3. Respondents violated 22 DCMR 3802.11 on May 23, 2001. A fine of \$100 is authorized for that violation. *See* 16 DCMR 3241.3(ee). In light of Respondents' acceptance of responsibility for their unlawful conduct and the lack of evidence in the record of a history of non-compliance, the fine will be reduced to \$75. *See* D.C. Code §§ 6-2712(a)(2), 6-2703(b)(6) (1981 ed.); U.S.S.G. § 3E1.1; 18 U.S.C. § 3553.
4. Respondents violated 22 DCMR 3804.1 on May 23, 2001. A fine of \$100 is authorized for that violation. *See* 16 DCMR 3241.3(kk). In light of Respondents' acceptance of responsibility for their unlawful conduct and the lack of evidence in the record of a history of non-compliance, the fine will be reduced to \$75. *See* D.C. Code §§ 6-2712(a)(2), 6-2703(b)(6) (1981 ed.); U.S.S.G. § 3E1.1; 18 U.S.C. § 3553.
5. Respondents violated 22 DCMR 3807.7 on May 23, 2001. A fine of \$100 is authorized for that violation. *See* 16 DCMR 3241.3(nn). In light of Respondents' acceptance of responsibility for their unlawful conduct and the lack of evidence in the record of a history of non-compliance, the fine will be reduced to \$75. *See* D.C. Code §§ 6-2712(a)(2), 6-2703(b)(6) (1981 ed.); U.S.S.G. § 3E1.1; 18 U.S.C. § 3553.
6. Respondents violated 22 DCMR 3815.1 on May 23, 2001. A fine of \$50 is authorized for that violation. *See* 16 DCMR 3241.4(g). In light of Respondents' acceptance of responsibility for their unlawful conduct and the lack of evidence in

the record of a history of non-compliance, the fine will be reduced to \$35. *See* D.C. Code §§ 6-2712(a)(2), 6-2703(b)(6) (1981 ed.); U.S.S.G. § 3E1.1; 18 U.S.C. § 3553.

7. Respondents violated 22 DCMR 3836.4 on May 23, 2001. A fine of \$500 is authorized for that violation. *See* 16 DCMR 3241.2(t). In light of Respondents' acceptance of responsibility for their unlawful conduct and the lack of evidence in the record of a history of non-compliance, the fine will be reduced to \$325. *See* D.C. Code §§ 6-2712(a)(2), 6-2703(b)(6) (1981 ed.); U.S.S.G. § 3E1.1; 18 U.S.C. § 3553.
8. Accordingly, Respondent shall be subject to total fines imposed as follows:

<u>Violation</u>	<u>Fine Sought</u>	<u>Fine Imposed</u>
22 DCMR 3802.5	\$100	\$75
22 DCMR 3802.10	\$100	\$75
22 DCMR 3802.11	\$100	\$75
22 DCMR 3804.1	\$100	\$75
22 DCMR 3807.7	\$100	\$75
22 DCMR 3815.1	\$50	\$35
22 DCMR 3836.4	<u>\$500</u>	<u>\$325</u>
<b>TOTALS:</b>	<b>\$1050</b>	<b>\$735</b>

#### IV. Order

Based on the foregoing findings of fact and conclusions of law, and the entire record in this matter, it is hereby this \_\_\_\_ day of \_\_\_\_\_, 2001:

**ORDERED**, that Respondents, who are jointly and severally liable, shall pay fines in the total amount of **SEVEN HUNDRED THIRTY-FIVE DOLLARS (\$735)** in accordance with

the attached instructions within twenty (20) calendar days of the date of mailing of this Order (fifteen (15) calendar days plus five (5) days for service by mail pursuant to D.C. Code § 6-2715 (1981 ed.)); and it is further

**ORDERED**, that, if Respondents fail to pay the above amount in full within twenty (20) calendar days of the date of mailing of this Order, by law, interest must accrue on the unpaid amount at the rate of 1 ½% per month or portion thereof, beginning with the date of this Order. D.C. Code § 6-2713(i)(1) (1981 ed.), as amended by the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, D.C. Law 13-281, effective April 27, 2001; and it is further

**ORDERED**, that failure to comply with the attached payment instructions and to remit a payment within the time specified will authorize the imposition of additional sanctions, including the suspension of Respondents' licenses or permits pursuant to D.C. Code § 6-2713(f) (1981 ed.), the placement of a lien on real or personal property owned by Respondents pursuant to D.C. Code § 6-2713(i) (1981 ed.) and the sealing of Respondents' business premises or work sites pursuant to D.C. Code § 6-2703(b)(7) (1981 ed.).

/s/      **11/29/01**

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Mark D. Poindexter  
Administrative Judge